

TIGARD WATER DISTRICT BOARD OF COMMISSIONERS

Serving the Unincorporated Area

**Tigard Public Works – Annex
9020 SW Burnham Street, Tigard, Oregon**

**Monday, July 30, 2007
7:00 p.m.**

Members Present: Julie Russell, Bert Cornick, Ken Henschel, Kinton Fowler
and Charles Radley
Members Absent: None
Staff Present: John Goodrich and Greer Gaston
Visitors: Clark Balfour, Marcia Garland, Phil Decker, Ginny Babcock, Mike
Salisbury, Marland Henderson, Dennis Goode, Patti Fowler and
Barbara Sherman

1. Call to Order, Roll Call and Introductions

The Tigard Water District (TWD) meeting was called to order by Commissioner Radley at 7:04 p.m. All board members were in attendance.

2. Administer Oath of Office

Greer Gaston administered the oath of office to newly elected TWD Commissioner Kinton Fowler.

3. Election of Board Officers

Mr. Clark Balfour was introduced as legal representative of the TWD. A discussion by board members regarding board officer descriptions resulted in the motions for nominations for Secretary and Treasurer of TWD. Commissioner Cornick nominated Commissioner Fowler for Treasurer and Commissioner Russell nominated Commissioner Cornick for Secretary. Both nominations were accepted and the motions were approved by unanimous vote, with Commissioners Russell, Cornick, Henschel, Fowler and Radley voting yes.

4. Approval of Minutes – June 25, 2007 and July 2, 2007

The minutes for June 25, 2007 meeting were deferred for approval until the next meeting in August due to a question regarding the IGA with the City of Tigard and Lease and Tenants in Common agreements. Commissioner Russell made a motion to not approve the minutes of June 25, 2007 and defer approval until the next meeting. Commissioner Fowler seconded the motion. The board approved the motion by unanimous vote, with Commissioners Russell, Cornick, Henschel, Fowler and Radley voting yes. Commissioner Radley made a motion to approve the minutes for July 2, 2007. Commissioner Russell seconded. The board approved the motion by unanimous vote, with Commissioners Russell, Cornick, Henschel, Fowler and Radley voting yes.

5. Public Comments

Commissioner Radley opened the forum for public comments. Mr. Phil Decker asked questions regarding board member occupations and affiliation status. Mr. Decker was ruled out of order. Board members commented on their current occupations. Ms. Marcia Garland was called next to present her credentials regarding secretarial support for the TWD. Mr. Mike Salisbury was called next to provide information regarding county services for public record support and maintenance through Washington County Services. Mr. Marland Henderson presented information for the downtown redevelopment for the City of Tigard utilizing reclaimed water from Clean Water Services Durham Wastewater Treatment Plant. Mr. Henderson was asked to make a more formal presentation at a later date.

6. Discuss Audit of District

The board members discussed recent changes in the agreement with the City of Tigard regarding accounting services for the TWD. Commissioner Fowler made a motion for TWD to contract with an outside auditor to conduct an audit of the account(s) of the TWD back five years pursuant to ORS 297; Commissioner Henschel seconded the motion. The motion was approved by unanimous vote, with Commissioners Russell, Cornick, Henschel, Fowler and Radley voting yes.

7. Staff Support – Transition Plan

The board members discussed the three letters presented to the TWD from City of Tigard regarding support services for board activities and the tentative withdrawal of services by August 20, 2007. Commissioner Cornick indicated to the board members a need to file for injunctive relief pursuant to the agreement with the City of Tigard.

Mr. Balfour discussed the technical aspects of filing such action. Mr. Balfour also discussed information relating to renegotiating the current agreement and possible discussion with the City of Tigard relating to support services. Commissioner Henschel asked for clarification from the City of Tigard regarding the scope of support services. Commissioner Russell asked for the board to table all discussion until executive session. The board members agreed.

8. IWB Update – (presented by newly appointed IWB Representative Russell)

Commissioner Russell gave an update of the last IWB meeting she attended. She discussed the Commercial Lease agreement vote and the IWB's action to not go forward with the final vote of approval on the lease agreement proposal until she had time to confer with the TWD board members. Commissioner Henschel discussed information regarding the joint IWB, Lake Oswego City Council and Tigard City Council meeting held July 17, 2007 regarding the feasibility study of a joint water supply partnership. Commissioner Radley commented about recent rumors regarding groundwater quality due to a dump site identified as "Grabhorn" located on the opposite side of the Tualatin River. Commissioner Russell was asked to discuss it as a "staff update on supply" agenda item at the next IWB meeting. Commissioner Radley also discussed upcoming training opportunities for board members. The board members agreed Commissioners Fowler, Cornick and Russell may attend the August 6, 2007 Special Districts training.

9. Non-Agenda Items

Commissioner Henschel made a motion for Clark Balfour to be the legal representative of the TWD. There was a lengthy discussion by the board members and Mr. Balfour regarding the suspension of

by-laws for brief time periods that would allow for an extension of the requirement date for legal representation. The board members further discussed the implications of taking such action. Several other agenda items were discussed while Mr. Balfour conferred with the written by-laws. Mr. Balfour reported back to the board that he was correct regarding rules relating to the suspension of by-laws within the TWD charter. Commissioner Fowler seconded the motion. The board approved Mr. Balfour as legal counsel. The motion was approved by unanimous vote, with Commissioners Russell, Cornick, Henschel, Fowler and Radley voting yes.

Commissioner Henschel provided information to the board members regarding the Friends of Bull Mountain Sustainability Fair on September 15, 2007 and the opportunity for the TWD to have a booth to present information regarding water conservation. Commissioner Henschel made a motion to provide \$250 for the fees related to the fair booth; Commissioner Fowler seconded the motion. The motion was approved by unanimous vote, with Commissioners Russell, Cornick, Henschel, Fowler and Radley voting yes.

10. Set Next Meeting Date – August 27, 2007, at 7:00 p.m., Water Building, 8777 SW Burnham Street, Tigard, Oregon

The board members set the next meeting date for August 27, 2007, at 7:00 p.m. in the Water Building Auditorium.

11. Recess Regular Meeting and Convene Executive Session

The regular meeting was recessed for 5 minutes break by Commissioner Radley at 9:00 p.m. Commissioner Radley reconvened the regular meeting at 9:10 p.m. and asked for any other non-agenda items.

Commissioner Cornick made a motion to the board to make a formal request to Dennis Koellermeier to provide a tour of the water facilities within the Tigard Water Service Area. Commissioner Henschel seconded the motion. The board members agreed. John Goodrich indicated that he would present the request and make arrangements with those members wishing to participate in a future tour. The motion was approved by unanimous vote, with Commissioners Russell, Cornick, Henschel, Fowler and Radley voting yes.

Executive Session – Real Property Transactions and Pending Litigation

Commissioner Radley made a motion to recess the regular meeting and convene an executive session; Commissioner Russell seconded the motion. The motion was approved by unanimous vote, with Commissioners Russell, Cornick, Henschel, Fowler and Radley voting yes.

John Goodrich was requested to not participate

Commissioner Radley announced the Board was going into executive session under ORS 192.660(e) and (h) after Mr. Balfour made a clarification regarding executive session rules and procedures. The board went into executive session at 9:20 p.m.

The Board came out of executive session at 10:20 p.m.

12. Reconvene Regular Meeting and Consider Matters from Executive Session, if any

Commissioner Radley reconvened the regular session. John Goodrich was invited back to resume staff support. The board members discussed further implications of the staff support transition. Mr. Balfour

was instructed to contact the City of Tigard regarding an extension of support services and then to report back to the board. Further instruction was given by the board regarding the definition of services which will cease and perhaps an extension until the end of the calendar year. Commissioner Henschel asked how the legal counsel will communicate with the TWD board members. The board agreed that Commissioner Radley, as chairperson, would be the main contact at this time. Mr. Balfour and the board discussed provisions regarding special meeting requirements for public notification.

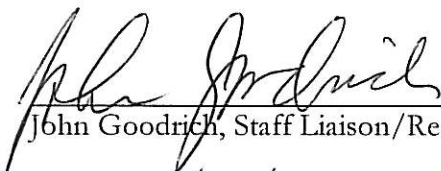
There was a motion by Commissioner Henschel and seconded by Commissioner Fowler that the TWD vote against approval regarding the IWB lease agreement to be voted on at the next IWB meeting. The motion was approved by unanimous vote, with Commissioners Russell, Cornick, Henschel, Fowler and Radley voting yes.

Mr. Balfour took possession of the audio tape of the executive session. Commissioner Henschel made a formal complaint regarding the two different revised agendas with different Executive Session OAR rules printed.

13. Adjournment

Commissioner Henschel made a motion for adjournment and Commissioner Fowler seconded the motion. The motion was approved by unanimous vote, with Commissioners Russell, Cornick, Henschel, Fowler and Radley voting yes.

The meeting adjourned at 10:40 p.m.



John Goodrich, Staff Liaison/Recorder
Date: 9/11/07